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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,047	04/11/2001	Tetsuo Sumida	450119-02169	8866
20999	7590	02/23/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			HOANG, THAI D	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/600,047

Applicant(s)

SUMIDA, TETSUO

Examiner

Thai D Hoang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Application filed on 4/11/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,9-13,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 9-11 and 17-18 are rejected under 35 U.S.C. 102(b) as being unpatentable by Haskell et al, US Patent No. 5,159,447, hereafter referred to as Haskell.

Regarding claims 1-2, 9-10 and 17-18, Haskell discloses a method and system called buffer control for variable bit-rate channel. Haskell discloses that the system (fig. 2) comprising:

each of a plurality of buffers 106 stores an inputted data stream 111 (a plurality of buffers for respectively storing a plurality of inputted data)

each of the plurality of buffers 106 detects and send fullness signal 115 to a respected encoder rate controller 103; col. 13, lines 3-6, col. 15, lines 39-56, col. 16, lines 7-26 (a storage quantity detecting means for detecting data storage quantities of said plurality of buffers)

the encoder rate controller 103 controls output data rate corresponding the fullness signal 115 from buffers 106; col. 13, lines 3-6, col. 15, lines 39-56, col. 16, lines 7-26 (output data generating means for generating a plurality of outputted data by effecting a data quantity reduction processing on data stored plurality of buffers)

a multiplexing 108 for multiplexing output data from buffer 106 (data multiplexing means for obtaining multiplexed data by multiplexing said plurality of outputted data).

Regarding claims 3 and 11, Haskell discloses the system counts fullness data in the buffer and does not drop high priority packet; col. 8, lines 28-46 (output data generating means generates said plurality of outputted data by effecting a data quantity reduction processing on the data storage in said plurality of buffers in response to the data storage quantities of said plurality of buffers and priorities of said plurality of inputted data.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being obvious over Haskell et al, US Patent No. 5,159,447, in view of Girod et al, US Patent No. 5,917,954, hereafter referred to as Haskell and Girod respectively.

Regarding claims 4 and 12, Haskell does not disclose the inputted data are compressed by using a discrete cosine transformation and the outputted data generating means reduces the data quantity by discarding high-order coefficients of the discrete cosine transformations. However, Girod discloses a method and system called Image signal coder operating at reduced spatial resolution. Girod discloses that the system uses DCT to compress image signal and the system reduces the bandwidth by

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filtering high-order coefficients of the discrete cosine transformations; col. 2, lines 2-5 and 64-67. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Discrete Cosine Transformation disclosed by Girod into Haskell's system in order to adapt with conventional systems used JPEG standard.

Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being obvious over Haskell et al, US Patent No. 5,159,447 as shown above.

Regarding claims 5 and 13, Haskell does not disclose the system includes parallel-to-serial (P/S) and serial-to-parallel (S/P) converter. However, P/S and S/P converter are well-known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add P/S and S/P converter into Haskell's in order to easily control data stored in the buffer.

Allowable Subject Matter

Claims 6-8 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to the application:

US Patent No. 5,164,939 A, Shobatake discloses "Packet switching device"

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai D Hoang whose telephone number is (571) 272-3184. The examiner can normally be reached on Monday-Friday 10:00am-18:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thai Hoang



CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER

2/17/05